

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Executive Member for Environment and Transport
<b>Date:</b>	13 November 2018
<b>Title:</b>	Shared Space Policy Position
<b>Report From:</b>	Director of Economy, Transport and Environment

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### 1. Recommendations

- 1.1. That in light of the new guidance from Government relating to Shared Space schemes, a review of such schemes in design phase is conducted to ensure that the County Council is fully meeting its obligations under the Equality Act.
- 1.2. That the County Council prepares and publishes local guidance to ensure that planning, design, and delivery of future schemes meets the requirements of legislation as clarified by Government guidance.
- 1.3. That the County Council establishes an advisory panel formed of members of key groups and organisations representing the needs of disabled people to support the preparation of the guidance and act as an advisory forum on shared space schemes.

### 2. Executive Summary

2.1. The purpose of this paper is to respond to a request from the Department for Transport and the Ministry of Housing, Communities and Local Government to pause “new shared space schemes which incorporate a level surface, and which are at the design stage”, and to set out Hampshire County Council’s position on shared space schemes following recent updated government policy.

2.2. This paper seeks to

- set out the background to these recommendations;
- highlight concerns about shared space and the provisions of the Equalities Act 2010;
- consider the County Council’s current approach to shared space; and
- make recommendations in relation to the County Council’s response to government’s current position on shared space, and updated policy.

### 3. Background

- 3.1. On 25 July 2018, the Department for Transport (DfT) launched the “Inclusive Transport Strategy: achieving equal access for disabled people” Policy Paper and withdrew existing guidance relating to Shared Space schemes (Local Transport Note 11). The new Inclusive Transport Strategy sets out “the government’s plans to make our transport system more inclusive and better for disabled people.”.
- 3.2. On the same day, Nusrat Ghani, Parliamentary Under Secretary for Transport, wrote to all local authorities outlining the key points of the new Inclusive Transport Strategy and requested that the local authorities pause “the introduction of new shared space schemes which incorporate a level surface, and which are at the design stage”.
- 3.3. The government’s approach to new shared space schemes was further clarified in a joint letter from the DfT and the Ministry of Housing, Communities and Local Government dated 28<sup>th</sup> September 2018. This letter sets out government’s intention that the pause would “not apply to development schemes that are currently at the planning application stage or beyond” and that “the focus of the pause is on level-surface schemes in areas with relatively large amounts of pedestrian and vehicular movement, such as high streets and town centres (outside of pedestrian zones). The pause does not apply to streets within new residential areas, or the redesign of existing residential streets with very low levels of traffic, such as appropriately designed mews and culs-de-sac, which take into account the relevant aspects of the National Planning Policy Framework and associated guidance”.
- 3.4. The now withdrawn Local Transport Note 11 (LTN/11) sets out that “Shared space is a design approach that seeks to change the way streets operate by reducing the dominance of motor vehicles, primarily through lower speeds and encouraging drivers to behave more accommodatingly towards pedestrians”, and that “there is no such thing as a definitive shared space design. Each site is different and the way a street performs will depend on its individual characteristics, the features included and how these features work in combination.” LTN11 defines a “shared surface” as “a street surface with no level difference to segregate pedestrians from vehicular traffic.” This is the characteristic referred to by the Parliamentary Under Secretary for Transport as “level surface” and defined in the joint letter from the DfT and the Ministry of Housing, Communities and Local Government dated 28<sup>th</sup> September 2018 as “a design feature in which the level difference between the footway and the carriageway is removed.”.
- 3.5. Within the guidance, shared space can refer to a range of treatments from removal of guard-railing, through to single surfaces with no delineation between road and pavement, with signal controls removed. However, in practice, the term shared space is often used to reflect the latter.

## 4. Concerns about shared space

4.1. Shared space has prompted campaigns, particularly from organisations representing the blind, as well as legal actions. The removal of kerbs and pedestrian crossings has proved to be among the most controversial elements of many shared space schemes with the implementation of flat, level and shared surfaces considered to have a significant negative impact on those who are blind, and their ability to navigate the environment. These concerns have led a number of other bodies to undertake research and produce guidance on shared space – these include: Accidents by Design: The Holmes Report into Shared Space, July 2015; Who put that there! – RNIB Campaign Report, February 2015; Building for Equality: Disability and the Built Environment, House of Commons Women and Equalities Committee (WEC) report, April 2017; and Creating better streets: Inclusive and accessible places - Reviewing shared space, Chartered Institute for Highways and Transportation (CIHT), January 2018.

4.2. The WEC report recommends that LTN/11 is replaced by guidance that should:

- be developed with disabled people;
- explicitly address the needs of all disabled people, including but not limited to people who are blind and partially sighted, people who have ambulant mobility difficulties, and people with a neuro-diverse condition or learning disability;
- lay down consistent national standards so that disabled people can navigate, learn and independently use such schemes anywhere in the country;
- be clear that safety and usability requirements, such as controlled crossings and kerbs, are not optional; and
- provide details on how the requirements of the public sector equality duty and the duty to make reasonable adjustments apply to the design and implementation of such schemes.

4.3. In its recent publication “Creating better streets: Inclusive and accessible places” the CIHT has reflected that the term shared space is too broad and unhelpful. CIHT proposes three new design approaches to replace shared space as follows (further detail is provided in Appendix C):

- Pedestrian prioritised streets;
- Informal streets; and
- Enhanced streets.

4.4 The report provides a series of recommendations to government and industry, calling for further evidence-gathering, and changes to developing public realm improvements and creating inclusive environments.

4.5 The CIHT’s guidance is currently being reviewed by the Department for Transport and the Disabled Person’s Transport Advisory Committee. The latter has already provided early feedback, accessible [here](#) , rejecting the

idea of new scheme categories, and stating that the report does not go far enough to address issues faced by people with disabilities.

- 4.6 The duties in relation to the Equality Act and the Public Sector Equality Duty are particularly relevant to the use of shared space schemes particularly by those with a visual impairment.

## 5. Equalities

- 5.1. The Equality Act 2010 makes it unlawful for public authorities, including highways authorities, to discriminate in the exercise of a public function. They also have a duty to make reasonable adjustments including changing practices, policies and procedures which have a discriminating effect and to take reasonable steps to enable disabled people to avoid substantial disadvantages caused by physical features.
- 5.2. There is a further requirement under the Equality Act Public Sector Equality Duty to have due regard to the need to eliminate discrimination and to achieve equality of opportunity between disabled and non-disabled people. Where negative impacts are identified, the local authority must consider changes to the scheme in order to eliminate discrimination and better promote equality of opportunity.

## 6. Hampshire County Council's Approach To Shared Space

- 6.1. In 2007, government published the 'Manual for Streets'. The Manual for Streets sets out an approach to highways design that recognises the role of streets in making a positive contribution to the quality of life and well-being of communities by placing greater emphasis on 'people and place' rather than on just traffic movement. Hampshire County Council is committed to the approach in the Manual for Streets, and in 2010 adopted its 'Companion Document to Manual for Streets'. The Manual for Streets refers specifically to the needs of people with disabilities. At paragraph 7.2.10, it states "shared surfaces can cause problems for some disabled people. People with cognitive difficulties may find the environment difficult to interpret. In addition, the absence of a conventional kerb poses problems for blind or partially-sighted people, who often rely on this feature to find their way around. It is therefore important that shared surface schemes include an alternative means for visually-impaired people to navigate by." Although this is not expanded upon in Hampshire County Council's Companion Document, it is an important consideration in all Hampshire schemes.
- 6.2. Adopted in 2013, Policy Objective 9 of Hampshire's Local Transport Plan 3 is to: *"Introduce the 'shared space' philosophy, applying Manual for Streets design principles to support a better balance between traffic and community life in towns and residential areas;"*

The guidance does not specify a definition of shared space, or outline any treatment requirements.

- 6.3. Within Hampshire, a number of public realm improvement projects have been implemented which share some of the characteristics of shared space schemes. These include highways works carried out in connection with new developments delivered under the provisions of Section 38 and Section 278 of the Highways Act, and improvement schemes undertaken by the County Council such as at The Square, Winchester, London Road in Andover, and Church Street and Bell Street in Romsey. These are schemes regularly used by general traffic where the footway and carriageway are at grade. However, in all cases there is clear delineation between the vehicular and pedestrian areas, and the schemes were developed in consultation with local interest groups representing those with a visual or mobility impairment. The schemes at Church Street and Bell Street in Romsey demonstrate the County Council's approach to providing an inclusive and accessible design.

## **7. Romsey Town Centre Improvements**

- 7.1. The aim of the Romsey Town Centre Improvements is to enhance the appearance and economic vitality of this important market town.
- 7.2. The first phase of the improvements, Church Street, started in 2015. The scheme features a level surface incorporating widened pavement areas, high quality paving, and clear definition of the road and edges in order to improve accessibility for pedestrians and those with mobility impairments, and to reduce the dominance of vehicles. Additional pedestrian crossing points were also constructed along Church Street to assist all users. As part of the design process, consultation was undertaken with residents, businesses and various user groups, which included Romsey Forum, Romsey and District Society, Romsey Futures Group, Guide Dogs providing mobility for the blind and partially sighted, and other organisations. The same groups were also engaged in the development of Phase 2, Bell Street, which was implemented earlier this year and Phase 3, Market Place, which is expected to commence in early 2019.
- 7.3. The improvements to Church Street were completed in autumn of 2015, and were met with positive support from members of the public. Officers conducted a "walk through" with members from the Guide Dogs user group, and these service users commented on how the improvements would benefit them while navigating the town centre. Further positive feedback has been received for the work in Bell Street. Monitoring of both phases is currently being undertaken.
- 7.4. The final phase of the Romsey Town Centre Improvements, Market Place, will share many of the features delivered in both Church Street and Bell Street including the use of level surfaces.

## 8. Hampshire County Council's Proposed Position on Shared Space

8.1. In light of the publication of the "Inclusive Transport Strategy: achieving equal access for disabled people", withdrawal of existing guidance relating to Shared Space schemes (Local Transport Note 11), and government's request to pause "the introduction of new shared space schemes which incorporate a level surface, and which are at the design stage", it is proposed that the County Council takes the following actions:

8.2. **Review of schemes.** It is proposed that a review is undertaken of any new public realm improvement schemes that meet the criteria below and which are at the design stage:

- Incorporates a flat, level or shared surface where, as defined in the joint letter from the DfT and the Ministry of Housing, Communities and Local Government dated 28th September 2018, "the level difference between the footway and the carriageway is removed";
- There are relatively large amounts of pedestrian and vehicular movement, such as high streets and town centres (outside of pedestrian zones);
- The intention is for the pedestrian to feel that they can move freely anywhere;
- The design speed exceeds 20mph; and
- It is proposed that the Scheme be funded or adopted by the County Council.

8.3. The review would be undertaken by those responsible for commissioning the design.

8.4. In line with government's directions set out in the ministerial letter dated 28th September 2018, the review will not apply to:

- Development schemes that are currently at the planning application stage or beyond; and
- Streets within new residential areas, or the redesign of existing residential streets with very low levels of traffic, such as appropriately designed mews and culs-de-sac, which take into account the relevant aspects of the National Planning Policy Framework and associated guidance.

8.5. The following measures are considered to be well established and conventional highway features and it is proposed that they are excluded from the definition of flat, level or shared surface within the context of the review process:

- Raised tables;
- Junction treatments;
- Pedestrianised areas; and
- Parking areas/mews/courts;

8.6. The purpose of the review would be to establish:

- That due regard has been given to requirements of the Equality Act 2010, and that the Equality Act Public Sector Equality Duty to eliminate

discrimination and to achieve equality of opportunity between disabled and non-disabled people, has been met;

- That any negative impacts that have been identified are identified and reviewed;
- That there is clear documented evidence that the design process has explicitly addressed the needs of all disabled people, including but not limited to people who are blind and partially sighted; and
- That the scheme has been developed with the active involvement of a recognised group or organisation representing disabled people including people who are blind and partially sighted.

8.7. New schemes which are at the design stage and can provide evidence that these criteria have been met would not be subject to the proposed review.

8.8. It is proposed that the County Council does not fund or adopt new schemes that fail to meet the criteria at 8.6.

8.9. The second proposed action is to prepare and publish **Guidance** to ensure that the planning, design and delivery of future schemes follows a clear process that meets the requirements set out in paragraph 8.6 above. This would include a review of current scheme auditing processes in line with the provisions of government's Inclusive Transport Strategy (July 2018).

8.10. The third proposed action is to **establish an Advisory Panel** formed of members of key groups and organisations representing the needs of all disabled people, and work with them on the preparation of the above guidance. This would include a review of current consultation processes in line with the provisions of government's Inclusive Transport Strategy.

8.11. It is proposed that the above actions are communicated to all those involved in the commissioning, planning, design and delivery of schemes funded or adopted by the County Council.

**CORPORATE OR LEGAL INFORMATION:****Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	yes
<b>People in Hampshire live safe, healthy and independent lives:</b>	yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	yes
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	yes

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
Ministerial letter to local authorities about the Inclusive Transport Strategy	<a href="https://www.gov.uk/government/publications/inclusive-transport-strategy">https://www.gov.uk/government/publications/inclusive-transport-strategy</a>
Inclusive Transport Strategy	<a href="https://www.gov.uk/government/publications/inclusive-transport-strategy">https://www.gov.uk/government/publications/inclusive-transport-strategy</a>
Local Transport Note 1/11 (withdrawn)	<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/732739/ltn-1-11.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/732739/ltn-1-11.pdf</a>
HCC Local Transport Plan 3	<a href="http://documents.hants.gov.uk/transport/HampshireLTPPartALongTermStrategy2011-2031RevisedApril2013.pdf">http://documents.hants.gov.uk/transport/HampshireLTPPartALongTermStrategy2011-2031RevisedApril2013.pdf</a>
WEC's Disability and the built environment inquiry	<a href="https://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/inquiries/parliament-2015/disability-and-the-built-environment-16-17/">https://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/inquiries/parliament-2015/disability-and-the-built-environment-16-17/</a>
CIHT's Creating Better Streets: Inclusive and Accessible Places	
DPTAC response to CIHT report	<a href="https://www.gov.uk/government/publications/dptacs-position-on-shared-space/dptac-position-on-shared-space">https://www.gov.uk/government/publications/dptacs-position-on-shared-space/dptac-position-on-shared-space</a>



## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

#### **1.2. Equalities Impact Assessment**

Specific schemes are subject to their own Equalities Impact Assessments. This report relates to an overall policy in the context of Government's recent move to improve outcomes for people with disabilities. It is recommended that representatives of people with disabilities are engaged in the development of new guidance to improve outcomes from shared space for these service users, and this should lead to positive impacts for people with this protected characteristic.

### **2. Impact on Crime and Disorder:**

2.1. None.

### **3. Climate Change:**

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

None.

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

None